

T.M.V. Land Developers Corp.
Perez, Julio F., et al

PAGE *99*
DOCKET *356*
DIVISION *JOSEPH NESBITT*

CASE NO. **73-17099** *4 CA-01*

CIVIL ACTION

IN CIRCUIT COURT

GENERAL JURISDICTION DIVISION

IN AND FOR

DADE COUNTY, FLORIDA

T.M.V. Developers Corp.

Plaintiff

Julio F. Perez,
et al

Defendant

Action for *Accounting*

Robert A. Spiegel

Attorney for Plaintiff

INDEX DEC 30 1975
AA 299-04

39

INACTIVE

This File Must Not Be Withheld from
Clerk's Office Without Leave of Court.
RICHARD P. BRINKER
Clerk, Circuit Court

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

CASE NO. **73-17099**

TMV LAND DEVELOPERS CORP.,)

Plaintiff,)

vs.)

JULIO F. PEREZ and
AMPARO PEREZ,)

Defendants.)

CA-01

COMPLAINT

RICHARD J. BRINKER
CLERK CIRCUIT COURT
DADE CO. FLA.

JOSEPH NESBITT

73 JUL 13 PM 2:40

FILED FOR RECORD

2500
2120

COMES NOW Plaintiff, TMV LAND DEVELOPERS CORP., by and through its undersigned attorney, and sues the Defendants, JULIO F. PEREZ and AMPARO PEREZ, his wife, hereafter designated as "Owner", and alleges:

1) On or about the 16th day of February, 1972, Plaintiff entered into an agreement with the Owner to furnish labor, services and material necessary for the construction of a dwelling upon the property owned by the Owner, located in Dade County, Florida, and described as follows:

Lot 14, Block 2, TMV GARDENS, Plat Book 89 at Page 84.

2) Pursuant to the agreement, Plaintiff and Owner agreed to a price of \$51,292.21 for the construction.

3) On or about the 6th day of June, 1972, Plaintiff commenced construction pursuant to the agreement upon the above-described real property of Owner. The contract was fully performed by Plaintiff, and the last item of labor and services performed and materials furnished by Plaintiff in accordance with the agreement and in the improvement of the real property of Owner was furnished on the 20th day of March 1973.

4) For the labor and services performed and the materials furnished by Plaintiff to Owner, there still remain due and unpaid to Plaintiff by Owner the total sum of Nine Thousand Twenty-One Dollars and 96/100 (\$9,021.96), and

356
99

no part of that sum has been paid. A statement showing the account is attached and marked as Exhibit "A".

5) Pursuant to Florida statutes, Plaintiff on or about June 12, 1973, furnished Owner with a statement sworn to by Plaintiff setting forth that all lienors contracting directly with or directly employed by Plaintiff had been paid in full. A copy of the sworn statement is attached as Exhibit "B".

6) Because of the failure of Owner to pay the above sum of money justly due and owing to Plaintiff, Plaintiff, pursuant to Florida statutes, and on or about the 8th day of May, 1973, recorded with the Office of the Clerk of the Circuit Court in and for Dade County, Florida, his Claim of Lien, recorded in Official Records Book 8268, Page 156, of the Public Records of Dade County, Florida. A copy of the Claim of Lien is attached as Exhibit "C".

7) Pursuant to Florida statute, Plaintiff served a true copy of the Claim of Lien by depositing it in the United States mail, registered and with postage prepaid, addressed to Owner at his usual place of abode within the State of Florida.

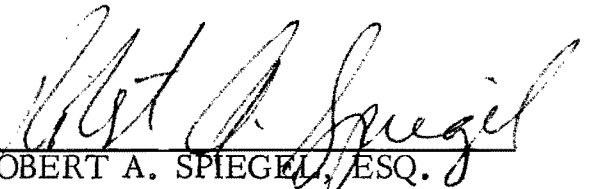
8) Pursuant to Florida Statute, Plaintiff should be awarded reasonable fee for services of his attorney, to be determined by the Court and taxed as part of its costs.

WHEREFORE, Plaintiff prays:

A. That an accounting be had to ascertain the amounts due Plaintiff; that a lien be found to exist in favor of Plaintiff upon the property described above for payment of the sums found to be due; that Defendants be provided an opportunity to pay those sums within a short time to be fixed by this Court, that in default of payment the property be sold; that out of the proceeds of the sale there be paid the costs of the sale and Court costs, and the remainder applied to the amounts due Plaintiff so far as it will suffice.

B. That reasonable fees for services of Plaintiff's attorney be awarded to Plaintiff, which are to be determined by the Court and taxed as part of its costs.

C. That the Court grant such other and further relief as appears just and equitable in the circumstances, and should a deficiency occur after application of the proceeds of the sale, that Plaintiff be granted a deficiency judgement against the Defendant Owner.


ROBERT A. SPIEGEL, ESQ.
Attorney for the Plaintiff
Douglas Entrance
800 Douglas Road
Coral Gables, Florida

TMV LAND DEVELOPERS CORPORATION

BUILDERS

M. A. FERRER

A. VILLARAUS

J. E. DE LA TORRIENTE
PRESIDENT
709 CREMONA AVENUE
CORAL GABLES, FLA. 33146
TEL. 666-2272

JOSE D. VELEZ
GENERAL MANAGER
3075 N. W. 2ND STREET
MIAMI, FLORIDA 33125
TEL. 649-3897

STATEMENT

Balance due TMV Land Developers, Corp., by Doctor Julio F. Perez and Amparo Perez, his wife:

1. Total amount for repairs due to bomb damage. \$ 5,530.31
2. Total amount due for requested extras:
 - a. Keystone imitation tile job around pool area. \$ 761.90
 - b. Wood paneling covering all of one room including all carpentry and panels. \$ 1,000.00
3. Total amount of closing costs discounted by the bank, First Federal Savings and Loans Association, from the construction loan. \$ 1,729.75
4. TOTAL AMOUNT DUE. \$ 9,021.96

CONTRACTOR'S SWORN STATEMENT ON
REQUEST OF FINAL PAYMENT TO OWNER

STATE OF FLORIDA)
 SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared JOSE D. VELEZ, who, being by me first duly sworn on oath deposes and says:

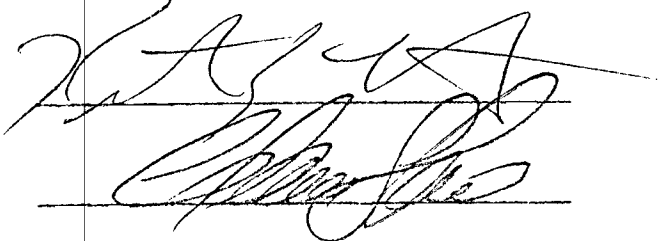
1. T.M.V. LAND DEVELOPERS CORP., of 709 Cremona Avenue, Coral Gables, Dade County, Florida, is a Florida corporation, hereinafter called "Contractor."

2. Contractor heretofore entered into an Agreement with JULIO F. PEREZ and AMPARO PEREZ, his wife, hereinafter called "Owner," to furnish material, labor and services for the construction of a certain building; or repair or alterations of buildings or structures; or construction or installation of facilities; all or more specifically described in said Agreement on the land and property of the Owner, located at 9651 S.W. 66th Street, Miami, Dade County, Florida, the legal description being: Lot 14, Block 2, T.M.V. GARDENS, Plat Book 89, at Page 84, Dade County, Florida.

3. Contractor has fully completed construction in accordance with the terms of the Agreement that all lienors have been paid in full.

4. Receipt by the Contractor of the final payment under the aforementioned Agreement shall constitute a full release and discharge by the Contractor to the Owner of any and all claims of the Contractor against the Owner, owing out of, connected with, or resulting from performance of the obligations of the Contractor, pursuant to the Agreement.

Signed and Sealed
In The Presence Of:




T.M.V. LAND DEVELOPERS CORP.

(Contractor) (Seal)

By:  (Seal)

EXHIBIT "B"

SWORN TO AND SUBSCRIBED before me this 12 day of June, 1973.


Notary Public, State of Florida At Large
My Commission Expires: 10-21-76

70100674 73 MAY 9 PM 12:45

Claim of Lien

State of Florida,
County of Dade

TMV LAND DEVELOPERS CORP.

(Name of Lienor)

709 Cremona Avenue, Coral Gables, Florida

(Residence or Business Address of Lienor)

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA,
RECORD VERIFIED
RICHARD P. BRINKER,
CLERK CIRCUIT COURT

being duly sworn says that in pursuance of a contract with Julio F. Perez and Amparo Perez,

his wife,

(Name of Lienor's Employer or person with whom he contracted)

he { performed } the following { labor and } (Here describe the labor or services performed or
furnished } services and } materials }

materials furnished. Describe specially fabricated materials separately) Construction of
residence, repairs resulting from bomb damage, wood paneling, pool side,
stone work.

to the value of \$51,292.21

(State contract price)

on the following described real property. (Describe real property sufficiently for identification giving street and
number if known): Lot 14, Block 2, TMV GARDENS, Plat Book 89 at Page 84,

Dade County, Florida, a/k/a 9651 S.W. 66th Street.

owned by Julio F. Perez and Amparo Perez, his wife

(Name of owner against whose interest lien is claimed)

whose interest in such real property is fee simple

(State owner's interest, as fee simple, life estate, lease-hold, if known)

He further says that the last item of { labor } was { performed } on the 20th
services { furnished }

day of March, 19 73, and, of the contract price stated, there is unpaid

the amount of \$9,021.96

(State amount unpaid)

for which amount he claims a lien on the real property herein described

TMV LAND DEVELOPERS CORP.

Jose D. Velez, Sec'y

(Signature of Lienor)

Subscribed and sworn to before me this

4th

day of

May

19 73

(Notary Public)

My Commission expires

(County)

(State)

Notary Public, State of Florida at Large
My Commission Expires Oct. 21, 1974

EXHIBIT "C"

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA. IN AND FOR DADE COUNTY

CASE NO. **73-17099**

T.M.V. LAND DEVELOPERS CORP.,

GENERAL JURISDICTION DIVISION

Plaintiff

—VS—

CIVIL ACTION
SUMMONS

JULIO F. PEREZ and AMPARO PEREZ,

Defendant s

THE STATE OF FLORIDA:

To All and Singular the Sheriffs of the State:

YOU ARE HEREBY COMMANDED to serve this summons and a copy of the complaint or petition
in this action on defendant:

AMPARO PEREZ
9651 S. W. 66th Street
Miami, Florida

FILED FOR RECORD
13 JUL 20 AM 10:31

Each defendant is required to serve written defenses to the complaint or petition on Plaintiff's
attorney, to wit:
whose address is:

ROBERT A. SPIEGEL, ESQ.
800 Douglas Road
~~XXXXXX~~ Coral Gables, Florida 33134

within 20 days after service of this summons on that defendant, exclusive of the day of service,
and to file the original of the defenses with the Clerk of this Court either before service on
Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be
entered against that defendant for the relief demanded in the complaint or petition.

WITNESS my hand and the seal of said Court on **JUL 13 1973**, 19____

Richard P. Brinker,
as Clerk of said Court

by: 

as Deputy Clerk

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA. IN AND FOR DADE COUNTY

CASE NO. 73-17099

T.M.V. LAND DEVELOPERS CORP.,

GENERAL JURISDICTION DIVISION

Plaintiff

--VS--

CIVIL ACTION
SUMMONS

JULIO F. PEREZ and AMPARO PEREZ,

Defendant s

THE STATE OF FLORIDA:

To All and Singular the Sheriffs of the State:

YOU ARE HEREBY COMMANDED to serve this summons and a copy of the complaint or petition in this action on defendant:

JULIO F. PEREZ
9651 S. W. 66th Street
Miami, Florida

FILED FOR PROCESS
13 JUL 20 AM 10:31

Each defendant is required to serve written defenses to the complaint or petition on Plaintiff's attorney, to wit:
whose address is:

ROBERT A. SPIEGEL, ESQ.
800 Douglas Road
Coral Gables, Florida 33134

within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

WITNESS my hand and the seal of said Court on JUL 13 1973, 19__

Richard P. Brinker,
as Clerk of said Court

by: [Signature]

as Deputy Clerk

FILED FOR 1008
5 AUG 7 AM 10

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

CASE NO: 73-17099

T.M.V. LAND DEVELOPERS CORP.

Plaintiff,

v.

JULIO F. PEREZ and AMPARO PEREZ,

Defendants.

MOTION TO DISMISS

DEFENDANTS, JULIO F. PEREZ and AMPARO PEREZ, move to
dismiss the complaint and as grounds thereof allege:

1. That the complaint clearly shows that Plaintiff
has not complied with the requirements of the Florida Statutes.
2. That the complaint fails to allege sufficient facts
concerning the contract between Plaintiff and Defendants.
3. That the complaint fails to state a cause of
action.

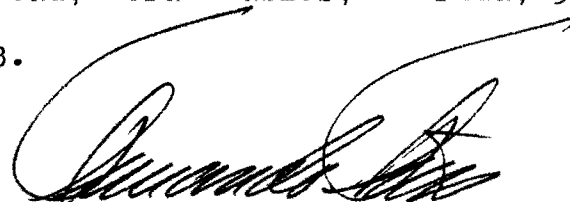
RESPECTFULLY SUBMITTED,



FERNANDO F. FREIRE, ESQ.
Attorney for Defendants
Suite 400-401 Miracle Mile
Coral Gables, Florida, 33134

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the foregoing
MOTION TO DISMISS was mailed to ROBERT A. SPIEGEL, ESQ., Attorney
for Plaintiff, 800 Douglas Road, Coral Gables, Florida, 33134,
this 6th day of August, 1973.



FERNANDO F. FREIRE, ESQ.
Attorney for Defendants
Suite 400-401 Miracle Mile
Coral Gables, Florida, 33134

ok
not

FILED FOR RECORD

'73 AUG 9 AM 8 46

RICHARD P. BRINKER
CLERK CIRCUIT COURT
DADE CO. FLA.

IN THE CIRCUIT COURT IN AND
FOR DADE COUNTY, FLORIDA

CASE NO. 73-17099

T.M.V. LAND DEVELOPERS CORP.

Plaintiff,

vs.

JULIO F. PEREZ and AMPARO PEREZ,

Defendant.s

NOTICE OF HEARING

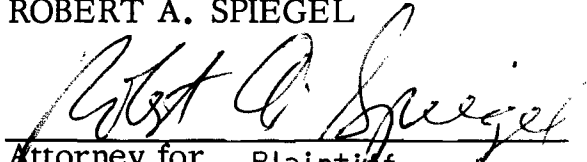
(Motion Calendar)

TO: FERNANDO F. FREIRE, ESQ.
Suite 400-401 Miracle Mile
Coral Gables, Florida 33134

PLEASE TAKE NOTICE that Plaintiff's Motion to
Strike Defendants' Motion to Dismiss
will be brought on for hearing and will be heard by the Honorable JOSEPH NESBITT, one of the Judges of the above-styled Court, at 9:00 o'clock, A. M., on Tuesday,
August 21, 19 73, on the regular call of the Motion Calendar by Sepcial Appointment or as soon thereafter as counsel can be heard.

PLEASE BE GOVERNED ACCORDINGLY.

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Hearing was this 8th day of August, 19 73, mailed to the above-named addressee(s).

ROBERT A. SPIEGEL

Attorney for Plaintiff
800 Douglas Road
Coral Gables, Florida 33134

RECORD

'73 AUG 27 AM 11:58

RICHARD P. BRINKER
CLERK CIRCUIT COURT
DADE CO. FLA.

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

CASE NO: 73-17099

T.M.V. LAND DEVELOPERS CORP.

Plaintiff,

v.

JULIO F. PEREZ and AMPARO PEREZ,

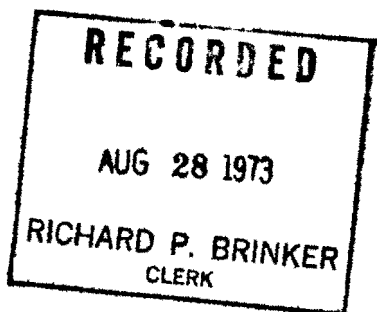
Defendants.

ORDER

This cause came on to be heard upon Plaintiff's motion to strike and Defendants' motion to dismiss, and the Court being advised in the premises, it is, ordered and adjudged:

1. That Plaintiff's motion to strike is denied.
2. That Defendants' motion to dismiss is granted and Plaintiff is given 30 days in which to file an amended complaint.

DONE AND ORDERED at Miami, Dade County, Florida,
on this 24 day of August, 1973.



CIRCUIT COURT JUDGE

... ORDERED HERE
...
ON THE DATE OF ENTRY THEREOF.

BY:

OFF
REC

8424

643

FILED FOR RECORD

73 SEP 20 AM 10:27

RICHARD B. BRINKER
CLERK CIRCUIT COURT
DADE CO. FLA.

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

CASE NO. 73-17099 (Nesbitt)

TMV LAND DEVELOPERS CORP.,)

Plaintiff,)

vs.)

AMENDED COMPLAINT

JULIO F. PEREZ and
AMPARO PEREZ,)

Defendants.)

_____)

COMES NOW Plaintiff, TMV LAND DEVELOPERS CORP., by and through its undersigned attorney, and sues the Defendants, JULIO F. PEREZ and AMPARO PEREZ, his wife, hereafter designated as "Owner", and alleges:

1) On or about the 16th day of February, 1972, Plaintiff entered into an agreement with the Owner to furnish labor, services and material necessary for the construction of a dwelling upon the property owned by the Owner, located in Dade County, Florida, and described as follows:

Lot 14, Block 2, TMV GARDENS, Plat Book 89 at Page 84.

2) Pursuant to the agreement, Plaintiff and Owner agreed to a price of \$ 51,292.21 for the construction.

3) On or about the 6th day of June, 1972, Plaintiff commenced construction pursuant to the agreement upon the above-described real property of Owner. The contract was fully performed by Plaintiff, and the last item of labor and services performed and materials furnished by Plaintiff in accordance with the agreement and in the improvement of the real property of Owner was furnished on the 20th day of March 1973.

4) For the labor and services performed and the materials furnished by Plaintiff to Owner, there still remain due and unpaid to Plaintiff by Owner the total sum of Nine Thousand Twenty-One Dollars and 96/100 (\$ 9,021.96), and no

part of that sum has been paid. A statement showing the account is attached and marked as Exhibit "A".

5) Pursuant to Section 713.06 (2) (d) 1 of the Florida statutes, Plaintiff on or about June 12, 1973 executed an affidavit stating that all lienors have been paid in full and thereupon mailed said affidavit to the Defendants by certified mail. A copy of said affidavit is attached herein as Exhibit "B". A copy of the return receipt acknowledging receipt by the Defendants of said affidavit is attached herein as Exhibit "D".

6) Because of the failure of Owner to pay the above sum of money justly due and owing to Plaintiff, Plaintiff, pursuant to Florida statutes, and on or about the 8th day of May, 1973, recorded with the Office of the Clerk of the Circuit Court in and for Dade County, Florida, his Claim of Lien, recorded in Official Records Book 8268, Page 156, of the Public Records of Dade County, Florida. A copy of the Claim of Lien is attached as Exhibit "C".

7) Pursuant to Florida statute, Plaintiff served a true copy of the Claim of Lien by depositing it in the United States mail, registered and with postage prepaid, addressed to Owner at his usual place of abode within the State of Florida.


8) Pursuant to Florida statute, Plaintiff should be awarded reasonable fee for services of his attorney, to be determined by the Court and taxed as part of its costs.

WHEREFORE, Plaintiff demands:


A. That an accounting be had to ascertain the amounts due Plaintiff; that a lien be found to exist in favor of Plaintiff upon the property described above for payment of the sums found to be due; that Defendants be provided an opportunity to pay those sums within a short time to be fixed by this Court, that in default of payment the property be sold; that out of the proceeds of the sale there be paid the costs of the sale and Court costs, and the remainder applied to the amounts due Plaintiff so far as it will suffice.

B. That reasonable fees for services of Plaintiff's attorney be awarded to Plaintiff, which are to be determined by the Court and taxed as part of its costs.

C. That the Court grant such other and further relief as appears just and equitable in the circumstances, and should a deficiency occur after application of the proceeds of the sale, that Plaintiff be granted a deficiency judgement against the Defendant Owner.


ROBERT A. SPIEGEL, ESQ.
Attorney for the Plaintiff
800 Douglas Road
Coral Gables, Florida 33134

I HEREBY CERTIFY that a copy of the Amended Complaint was mailed to Fernando F. Freire, ESQ., Attorney for Defendants, Suite 400-401 Miracle Mile, Coral Gables, Florida 33134, this 18 day of September, 1973.


ROBERT A. SPIEGEL, ESQ.
Attorney for the Plaintiff
800 Douglas Road
Coral Gables, Florida 33134

TMV LAND DEVELOPERS CORPORATION

BUILDERS

M. A. FERRER

A. VILLARAUS

J. E. DE LA TORRIENTE
PRESIDENT
709 CREMONA AVENUE
CORAL GABLES, FLA. 33146
TEL. 666-2272

JOSE D. VELEZ
GENERAL MANAGER
3075 N. W. 2ND STREET
MIAMI, FLORIDA 33125
TEL. 649-8997

STATEMENT

Balance due TMV Land Developers, Corp., by Doctor Julio F. Perez and Amparo Perez, his wife:

1. Total amount for repairs due to
bomb damage. \$ 5,530.31
2. Total amount due for requested extras:
 - a. Keystone imitation tile job around
pool area. \$ 761.90
 - b. Wood paneling covering all of one
room including all carpentry and
panels. \$ 1,000.00
3. Total amount of closing costs discounted
by the bank, First Federal Savings and
Loans Association, from the construction
loan. \$ 1,729.75
4. TOTAL AMOUNT DUE. \$ 9,021.96

CONTRACTOR'S SWORN STATEMENT ON
REQUEST OF FINAL PAYMENT TO OWNER

STATE OF FLORIDA)
 SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared JOSE D. VELEZ, who, being by me first duly sworn on oath deposes and says:

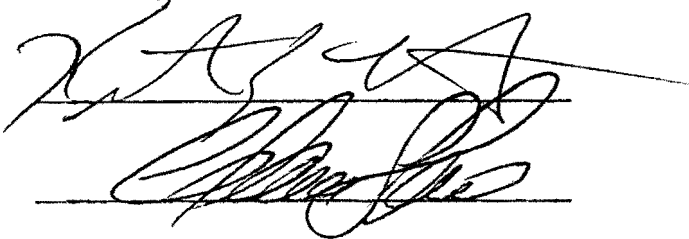
1. T.M.V. LAND DEVELOPERS CORP., of 709 Cremona Avenue, Coral Gables, Dade County, Florida, is a Florida corporation, hereinafter called "Contractor."

2. Contractor heretofore entered into an Agreement with JULIO F. PEREZ and AMPARO PEREZ, his wife, hereinafter called "Owner," to furnish material, labor and services for the construction of a certain building; or repair or alterations of buildings or structures; or construction or installation of facilities; all or more specifically described in said Agreement on the land and property of the Owner, located at 9651 S.W. 66th Street, Miami, Dade County, Florida, the legal description being: Lot 14, Block 2, T.M.V. GARDENS, Plat Book 89, at Page 84, Dade County, Florida.

3. Contractor has fully completed construction in accordance with the terms of the Agreement that all lienors have been paid in full.

4. Receipt by the Contractor of the final payment under the aforementioned Agreement shall constitute a full release and discharge by the Contractor to the Owner of any and all claims of the Contractor against the Owner, owing out of, connected with, or resulting from performance of the obligations of the Contractor, pursuant to the Agreement.

Signed and Sealed
In The Presence Of:



T.M.V. LAND DEVELOPERS CORP.

(Contractor) (Seal)

By:  (Seal)

SWORN TO AND SUBSCRIBED before me this 12 day of June, 1975

State of Florida,
County of Dade

(Name of Lienor)

(Residence or Business Address of Lienor)

his wife,

(Name of Lienor's Employer or person with whom he contracted)

he { performed } the following { labor and } (Here describe the labor or services performed or
furnished } services and } materials furnished. Describe specially fabricated materials separately). Construction of
residence, repairs resulting from bomb damage, wood paneling, pool side,
stone work.

to the value of \$51,292.21

(State contract price)

on the following described real property. (Describe real property sufficiently for identification giving street and number if known): Lot 14, Block 2, TMV GARDENS, Plat Book 89 at Page 84,

Dade County, Florida, a/k/a 9651 S.W. 66th Street.

owned by Julio F. Perez and Amparo Perez, his wife

(Name of owner against whose interest lien is claimed)

whose interest in such real property is fee simple

(State owner's interest, as fee simple, life estate, lease-hold, if known)

He further says that the last item of { labor } was { performed } on the 20th
 { services } { furnished }
 { materials }

day of March, 1973, and, of the contract price stated, there is unpaid

the amount of \$9,021.96

(State amount unpaid)

for which amount he claims a lien on the real property herein described

TMV LAND DEVELOPERS CORP.

Jose D. Velez, Sec'y. (Signature of Lienor)

Subscribed and sworn to before me this 4th day of May, 1973

(Notary Public)

My Commission expires _____

(County)

(State)

History 101, State of Florida at Tallahassee
By Completion Expires Oct. 21, 1976

EXHIBIT "C"

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show to whom, date and address where delivered
 ☐ Deliver **ONLY** to addressee

RECEIPT
Received the numbered article described below

REGISTERED NO.		SIGNATURE OR NAME OF ADDRESSEE - <i>(Must always be filled in)</i>
CERTIFIED NO. 807619		DR. & MRS. JULIO F. PEREZ
INSURED NO.		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
DATE DELIVERED	3	SHOW WHERE DELIVERED <i>(Only if requested, and include ZIP Code)</i>

**U.S. POSTAL SERVICE
OFFICIAL BUSINESS**

T.M.V. - Dr. Perez
Dr. & Mrs. Julio F. Perez

Postmark Not Delivered Office

PENALTY FOR PRIVATE USE TO AVOID
 PAYMENT OF POSTAGE, \$300

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

ROBERT A. SPIEGEL, ESQUIRE
 800 Douglas Road
 Coral Gables, Florida 33134

PS Form 3811 Nov. 1970
 65-10-81277-1

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA.

CASE NO. 73-17099 (Nesbitt)

TMV LAND DEVELOPERS CORP.)

Plaintiff,)

vs.

JULIO F. PEREZ AND AMPARO)
PEREZ, his wife

Defendants)

MOTION TO DISMISS

CLERK OF DISTRICT COURT
DADE CO. FLA.

73 OCT 5 AM 3

Defendants, JULIO F. PEREZ AND AMPARO PEREZ, his wife; moves to dismiss the amended complaint and as grounds as therefore alledge:

1. Plaintiff filed the original complaint July 13, 1973, and defendants responded by filing a Motion to Dismiss on August 6, 1973.
2. Said Motion alledged that the complaint failed to show that Plaintiff had complied with the Florida Statutes; failed to state a cause of action; and failed to give sufficient details about the alledged contract between Plaintiff and Defendants.
3. Said Motion was granted by order of Court dated August 24, 1973, and Plaintiff was given 30 days in which to file an amended complaint curing these defects.
4. The Amended Complaint filed by plaintiff is an exact copy of the original and fails to cure the outstanding defects in the original complaint.

RESPECTFULLY SUBMITTED,

FERNANDO F. FREIRE, ESQ.
ATTORNEY FOR DEFENDANTS
Suite 400, 401 Miracle Mile
Coral Gables, Florida 33134

BY: 

FERNANDO F. FREIRE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion was mailed to Robert A. Spiegel, Esq., 800 Douglas Rd., Coral Gables, Florida, this 3rd day of October, 1973.


FERNANDO F. FREIRE, ESQ.

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA.

CASE NO. 73-17099 (Nesbitt)

TMV LAND DEVELOPERS CORP.)
~~XXXXXXXX~~)
)
Plaintiff,)
vs.)
JULIO F. PEREZ AND AMPARO PEREZ, his)
wife)
Defendant.)
-----)

NOTICE OF HEARING


FILED
73 OCT 11 AM 9 37
CLERK OF CIRCUIT COURT
DADE CO. FLA.

TO: FERNANDO F. FREIRE
ATTORNEY FOR DEFENDANTS
Suite 400, 401 Miracle Mile
Coral Gables, Florida 33134

PLEASE TAKE NOTICE that DEFENDANT'S MOTION TO
DISMISS
will be brought on for hearing and will be heard by the Honorable JOSEPH
NESBITT, one of the Judges of the above-
styled Court, at 9:00 o'clock, A. M., on MONDAY,
NOVEMBER 12,, 19 73, on the regular call of the Motion
Calendar by Sepcial Appointment or as soon thereafter as counsel can be heard.

PLEASE BE GOVERNED ACCORDINGLY.

I HEREBY CERTIFY that a true and correct copy of the foregoing
Notice of Hearing was this 9 day of OCTOBER, 19 73,
mailed to the above-named addressee(s).

ROBERT A. SPIEGEL

Attorney for Plaintiff
800 Douglas Road
Coral Gables, Florida 33134

TMV LAND DEVELOPERS CORP.,

IN THE CIRCUIT COURT IN AND FOR
DADE COUNTY, FLORIDA

Plaintiff(s):
CLERK CIRCUIT COURT

vs.

DADE CO. CASE NO.: 73-17099 (NESBITT)

JULIO F. PEREZ, and AMPARO PEREZ,
his wife,

Defendant(s)

NOTICE OF TAKING DEPOSITION(s)

TO: FERNANDO F. FREIRE, ESQ.
Attorney for Defendants
Suite 400, 401 Miracle Mile
Coral Gables, Florida 33134

PLEASE TAKE NOTICE that at 1:30 o'clock, P.M., on
Tuesday, the 20th day of November, 1973,
at 800 Douglas Road, Coral Gables, ~~MIAMI~~,
Florida, the Plaintiff-~~Defendant~~ will take the deposition(s) of

JULIO F. PEREZ

upon oral examination, before ESTHER ANTHONY, a Notary Public
in and for the State of Florida at Large, or before some other
officer duly authorized by law to take depositions. The deposi-
tion(s) is-are being taken for the purpose of discovery, for use
at trial, or both of the foregoing, or for such other purposes
as are permitted under the applicable and governing Statutes or
the Rules of Court.

I HEREBY CERTIFY that a true copy of the foregoing
Notice of Taking Deposition(s) was mailed-delivered to the above-
listed addressee(s) this 18 day of October, 1973.

Law Offices of
ROBERT A. SPIEGEL
800 Douglas Road
Coral Gables, Florida 33134

By Robert A. Spiegel
Attorneys for Plaintiff

Esther De La Cruz
Court Reporter
P. O. Box 8674
Miami, Fla. 33124

Tele.: 444-1428

FILED IN RECORD

TMV LAND DEVELOPERS CORP.,

IN THE CIRCUIT COURT IN AND FOR
DADE COUNTY, FLORIDA
73 OCT:19 AM 9:48

Plaintiff(s) :
CLERK CIRCUIT COURT

vs.

DADE COUNTY CASE NO.: 73-17099 (NESBITT)

JULIO F. PEREZ and AMPARO PEREZ,
his wife,

Defendant(s)

: NOTICE OF TAKING DEPOSITION(s)

:

:

TO: FERNANDO F. FREIRE, ESQ.
Attorney for Defendants
Suite 400, 401 Miracle Mile
Coral Gables, Florida 33134

PLEASE TAKE NOTICE that at 2:00 o'clock, P. M., on
Tuesday, the 20th day of November, 1973,
at 800 Douglas Road, Coral Gables, ~~Miami~~,
Florida, the Plaintiff ~~XXXXXXXXXX~~ will take the deposition(s) of

AMPARO PEREZ

upon oral examination, before ESTHER ANTHONY, a Notary Public
in and for the State of Florida at Large, or before some other
officer duly authorized by law to take depositions. The deposi-
tion(s) is-are being taken for the purpose of discovery, for use
at trial, or both of the foregoing, or for such other purposes
as are permitted under the applicable and governing Statutes or
the Rules of Court.

I HEREBY CERTIFY that a true copy of the foregoing
Notice of Taking Deposition(s) was mailed-delivered to the above-
listed addressee(s) this 18 day of October, 1973.

Law Offices of
ROBERT A. SPIEGEL
800 Douglas Road
Coral Gables, Fla. 33134

By Robert A. Spiegel
Attorneys for Plaintiff

Esther De La Cruz
Court Reporter
P. O. Box 8674
Miami, Fla. 33124

Tele.: 444-1428

FILED FOR RECORD

'73 NOV 14 AM 8:46

RICHARD P. BRINKER
CLERK CIRCUIT COURT
DADE CO. FLA.

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA.

CASE NO. 73-17099 (Nesbitt)

TMV LAND DEVELOPERS CORP.,

Plaintiff,

vs.

JULIO F. PEREZ AND AMPARO PEREZ,
his wife,

Defendant.

NOTICE OF HEARING

TO:

FERNANDO F. FREIRE, ESQ.
Attorney for Defendants
Suite 400, 401 Miracle Mile
Coral Gables, Florida 33134

PLEASE TAKE NOTICE that DEFENDANT'S

MOTION TO DISMISS

will be brought on for hearing and will be heard by the Honorable JOSEPH
NESBITT, one of the Judges of the above-
styled Court, at 9:30 o'clock, A. M., on Tuesday,
November 27, 1973, on the regular call of the Motion
Calendar by Special Appointment or as soon thereafter as counsel can be heard.

PLEASE BE GOVERNED ACCORDINGLY.

I HEREBY CERTIFY that a true and correct copy of the foregoing
Notice of Hearing was this 12th day of November, 1973,
mailed to the above-named addressee(s).

ROBERT A. SPIEGEL

Attorney for Plaintiff
800 Douglas Road
Coral Gables, Florida 33134

FILED FOR RECORD

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

NOV 26 AM 9 30
TO: NMD DEVELOPERS CORP.,

Plaintiff(s) :

RICHARD P. BRINKER
CLERK CIRCUIT COURT
DADE CO. FLA.

CASE NO.: 73-17099 (Nesbitt)

JULIO F. PEREZ AND AMPARO PEREZ,
his wife,

NOTICE OF TAKING DEPOSITION(s)

Defendant(s)

TO:

FERNANDO F. FREIRE, ESQ.
Attorney for Defendants
Suite 400, 401 Miracle Mile
Coral Gables, Florida 33134

PLEASE TAKE NOTICE that at 10:45 o'clock, A. M., on
Tuesday, the 27th day of November, 1973,
at 800 Douglas Road, Coral Gables, Miami,
Florida, the Plaintiff-~~Defendant~~ will take the deposition(s) of

AMPARO PEREZ

upon oral examination, before ESTHER ANTHONY, a Notary Public
in and for the State of Florida at Large, or before some other
officer duly authorized by law to take depositions. The deposi-
tion(s) is-are being taken for the purpose of discovery, for use
at trial, or both of the foregoing, or for such other purposes
as are permitted under the applicable and governing Statutes or
the Rules of Court.

I HEREBY CERTIFY that a true copy of the foregoing
Notice of Taking Deposition(s) was mailed-~~delivered~~ to the above-
listed addressee(s) this 21st day of November, 1973.

Law Offices of
ROBERT A. SPIEGEL
800 Douglas Road
Coral Gables, Florida 33134

By 
Attorneys for Plaintiff

Esther De La Cruz
Court Reporter
P. O. Box 8674
Miami, Fla. 33124

Tele.: 444-1428

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

FILED FOR RECORD
TMV LAND DEVELOPERS CORP.,

'73 NOV 26 AM 9 30

Plaintiff(s) :

RICHARD P. BRINKER
vs.
CLERK CIRCUIT COURT
JULIO F. PEREZ and FERNANDO PEREZ,
his wife,
DADE CO. FLA.

CASE NO.: 73-17099 (Nesbitt)

NOTICE OF TAKING DEPOSITION(s)

Defendant(s)

TO:

FERNANDO F. FREIRE, ESQ.
Attorney for Defendants
Suite 400, 401 Miracle Mile
Coral Gables, Florida 33134

PLEASE TAKE NOTICE that at 10:45 o'clock, A. M., on

Tuesday, the 27th day of November, 1973,

at 800 Douglas Road, Coral Gables, Miami,

Florida, the Plaintiff-Defendant will take the deposition(s) of

JULIO F. PEREZ

upon oral examination, before ESTHER ANTHONY, a Notary Public in and for the State of Florida at Large, or before some other officer duly authorized by law to take depositions. The deposition(s) is-are being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing Statutes or the Rules of Court.

I HEREBY CERTIFY that a true copy of the foregoing Notice of Taking Deposition(s) was mailed-delivered to the above-listed addressee(s) this 21st day of November, 1973.

Law Offices of

ROBERT A. SPIEGEL

800 Douglas Road

Coral Gables, Florida 33134

By

Attorneys for Plaintiff

Esther De La Cruz
Court Reporter
P. O. Box 8674
Miami, Fla. 33124

Tele.: 444-1428

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

CASE NO. 73-17099 (Nesbitt)

TMV LAND DEVELOPERS CORP., :
Plaintiff, :
vs. :
JULIO F. PEREZ and AMPARO PEREZ, :
his wife, :
Defendants. :
_____ :

ORDER

73
447
3
64
2
23


THIS CAUSE came on before the Court upon Defendants' Motion to Dismiss the Amended Complaint, and after considering argument of counsel and otherwise being fully advised in the premises, it is thereupon

ORDERED AND ADJUDGED that Defendants' Motion to Dismiss be and the same is hereby denied, and Defendants shall file an Answer to the Amended Complaint within twenty (20) days from date hereof.

DONE AND ORDERED in Chambers, Miami, Dade County, Florida, this 30
day of April, 1973.


CIRCUIT JUDGE

COPIES OF THE ABOVE ORDER WERE
MAILED TO ATTORNEY OF RECORD
ON THE DATE OF ENTRY THEREOF.

BY:  _____

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 73-17099 (Fuller)

TMV LAND DEVELOPERS CORP., :

Plaintiff, :

vs. :

JULIO F. PEREZ and AMPARO :
PEREZ, his wife, :

Defendants. :

ORDER SETTING CAUSE FOR NON-JURY TRIAL

THIS CAUSE IS SET FOR NON-JURY TRIAL before the Honorable
Richard S. Fuller, Judge, in Chambers, at the Dade County Courthouse,
73 West Flagler Street, Miami, Florida, for ~~the week of~~ THURSDAY
MARCH 20, 1975 AT 9:30 A.M.

~~And it is further Ordered:~~

~~THAT COUNSEL APPEAR before the Honorable Richard S. Fuller,~~
~~Judge, Dade County Courthouse, for the call of the calendar at _____~~
~~on the _____ day of _____, 197__.~~

DONE AND ORDERED in Chambers, at Miami, Dade County, Florida,
this 12th day of November, 1974.


CIRCUIT JUDGE

Copies furnished to:

Robert A. Spiegel, Esquire

Fernando Freire, Esquire

COPIES OF THE ABOVE ORDER WERE
MAILED TO ATTORNEYS OF RECORD
ON THE DATE OF ENTRY THEREOF.

BY J. J. Callman

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 73-17099 (Fuller)

TMV LAND DEVELOPERS CORP., :

Plaintiff, :

vs. :

JULIO F. PEREZ and AMPARO
PEREZ, his wife, :

Defendants. :

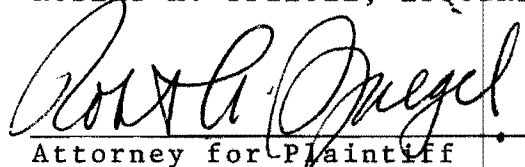
MOTION TO SET CAUSE FOR NON-JURY TRIAL

The above-styled cause is now at issue and the Plaintiff respectfully requests that this cause be set on the next available non-jury trial calendar.

This case will be about one-half ($\frac{1}{2}$) day in duration.

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to FERNANDO F. FREIRE, ESQUIRE, Attorney for Defendants, Suite 400, 401 Miracle Mile, Coral Gables, Florida, 33134, this 6th day of November, 1974.

ROBERT A. SPIEGEL, ESQUIRE



Attorney for Plaintiff
800 Douglas Road
Coral Gables, Florida 33134
Telephone: 443-5235

SET
NON-JURY
3-20-75

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA.

GENERAL JURISDICTION DIVISION

CASE NO. 73-17099 (Fuller)

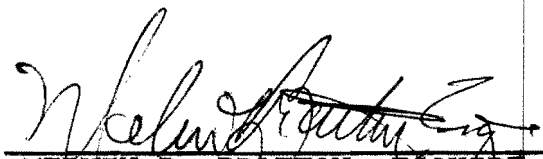
TMV LAND DEVELOPERS CORP.,)
)
Plaintiff,)
)
-vs-)
)
JULIO F. PEREZ and)
AMPARO PEREZ, his wife,)
)
Defendants.)

NOTICE OF TAKING DEPOSITION

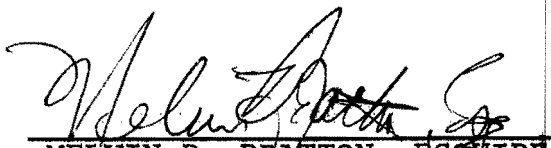
FILED FOR RECORD
15 FEB 6 AM 9 20
RICHARD P. BRINKER
CLERK OF CIRCUIT COURT
DADE CO. FLA.

TO: ROBERT A. SPIEGEL, ESQ.
Attorney for Plaintiff
800 Douglas Road
Coral Gables, Florida 33134

YOU ARE NOTIFIED that on Thursday, the 13th day of February, 1975, at 4:00 P.M., at 800 Douglas Road, Coral Gables, Florida, the Defendants will take the deposition(s) of JOSE VELEZ and any other witnesses who may be listed in the pre-trial catalogue of the Plaintiff's attorney before an officer authorized by law to take depositions in Florida. This deposition is being taken for the purpose of discovery, for use at trial and under Rules of Civil Procedure 1.390.


MELVIN D. BRATTON, ESQUIRE
225 N.E. 35th Street
Miami, Florida 33137
Telephone: (305) 573-7496
Attorney for Defendants

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to ROBERT A. SPIEGEL, ESQ., Attorney for Plaintiff, 800 Douglas Road, Coral Gables, Florida, 33134, this 4th day of February, 1975.


MELVIN D. BRATTON, ESQUIRE

CASE #

73-17099

CLERK U.S. COURT
DADE CO. FLA.

75 MAR 20 PM 4:12

FILED

CORD

THIS IS TO CERTIFY THAT THE FOLLOWING NAMED REPORTER,

Patricia Arman, WAS PRESENT AND

REPORTED THIS PROCEEDING ON 3-20-75.

REPORTING FIRM

Mauldin & Kemp

No.

WITNESS SUBPOENA

COURT Circuit STYLE 73-17099.

ATTORNEY: Robert A. Spiegel
800 Douglas Road
ADDRESS: Coral Gables, Florida

PLAINTIFF: TMV Land Developers
Corp.

DEFENDANT: Julio F. Perez &
Amparo Perez

RECEIVED THIS SUBPOENA ON THE 20th
DAY OF March A.D. 19 75
AND SERVED THE SAME ON THE 20th
DAY OF March A.D. 19 75

IN DADE COUNTY, FLORIDA, BY DELIVERING A
TRUE COPY OF SAME TO THE WITHIN NAMED
WITNESS, EXPLAINING THE CONTENTS THEREOF.

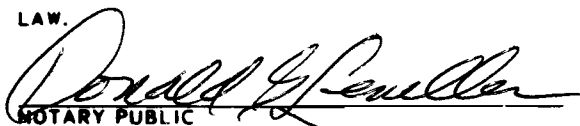
Mr. Griffin
First Federal Savings & Loan
1 S. E. 3rd Ave, 10th Floor
Miami, Florida

WITNESS FEE(S) \$ _____

WRIT: \$ _____

STATE OF FLORIDA)
COUNTY OF DADE) ss

Donald Lewellen, BEING
FIRST DULY SWORN, DEPOSES AND SAYS THAT HE
IS NOT A PARTY TO THIS CAUSE AND HE IS NOT
LESS THAN 21 YEARS OF AGE, AND THAT HE
SERVED THIS SUBPOENA ON THE SAID WITNESS
IN THE MANNER DESCRIBED ABOVE AND BY
TENDERING TO HIM THE FEE FOR ONE DAY'S
ATTENDANCE AND THE MILEAGE ALLOWED BY
LAW.


NOTARY PUBLIC

MY COMMISSION EXPIRES:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES FEB. 10, 1978
BONDED THRU GENERAL INSURANCE UNDERWRITERS

IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT OF FLORIDA, IN AND
FOR DADE COUNTY

CASE NO. 73- 17099 (Fuller)

TMV LAND DEVELOPERS CORP.,

Plaintiff

-VS-

JULIO F. PEREZ and
AMPARO PEREZ

Defendants

GENERAL JURISDICTION DIVISION

SUBPOENA

DUCES TECUM

CLERK OF COURT
DADE CO. FLA.

MAR 24 AM 10:48

CORD

THE STATE OF FLORIDA:

TO:

Mr. GRIFFIN or any other Construction Loan Officer
FIRST FEDERAL SAVINGS AND LOAN
~~100 N.E. First Avenue~~ 1 SE 3 Ave 10 8/02/75
Miami, Florida

YOU ARE HEREBY COMMANDED to appear before the Honorable Richard S. Fuller

_____ Judge of said Court, at the _____ Dade _____ County

Courthouse in Miami, Florida, on March 20, 1975,

at 9:30 AM. to testify in the above styled cause and have with you at said time and place the
following:

All records as to construction loan payments
made to JULIO F PEREZ and AMPARO PEREZ and,
all records of construction payments made to
subcontractors, including paid receipts for all
appliances, materials and other work of subs,
and records of bomb damage and payments thereof,
record of all monies held by the bank which were unpaid to
TMV, all of above relate to loan number 72-05-0650

If you fail to appear, you may be in contempt of Court.

You are subpoenaed to appear by the following attorneys and unless excused from this subpoena
by these attorneys or the Court, you shall respond to this subpoena as directed.

WITNESS my hand and the seal of said Court on MAR 18 1975, 19____.

ROBERT A. SPIEGEL
Attorney at Law
800 Douglas Road
Coral Gables, Florida 33134
Telephone: 443-5235

RICHARD P. BRINKER
Clerk Circuit Court

By: [Signature]

as Deputy Clerk

Attorney for _____ DEFENDANT

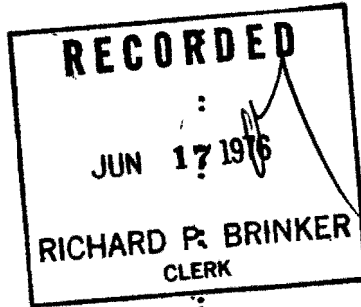
Address 5 Fd _____

(Court Seal)

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR
DADE COUNTY, FLORIDA CIVIL ACTION

TMV LAND DEVELOPERS CORPORATION
Plaintiff,
vs
JULIO F. PEREZ and
AMPARO PEREZ,
Defendants.

GENERAL JURISDICTION #39
COWART
CASE NO 73=17099



JUN 17 1976 10:42
RECORDED
CLERK
COURT
DADE CO. FLA.

NOTICE OF HEARING ON MOTION FOR ORDER OF DISMISSAL

The following order will be entered by the Court on
June 15, 1976, 19, at 8:30 a.m. after hearing, unless
a party show good cause, in writing, at least five days before
said hearing why the action should remain pending.

ORDER OF DISMISSAL

THIS CAUSE coming on to be heard, after notice of
hearing, and it appearing that no action by any party to the
cause has been taken by the filing of pleadings, order of Court,
or otherwise, in this case for a period of more than one year
prior to the date of this order, it is, therefore

ORDERED AND ADJUDGED that this cause be and the same
is hereby dismissed, pursuant to Rule 1.420(e) of the Florida
Rules of Civil Procedure.

DONE AND ORDERED in Chambers at the Courthouse, Miami
Dade County, Florida, this 16 day of June, 1976.

EDWARD D. COWART
CIRCUIT JUDGE

I HEREBY CERTIFY that a true copy of the foregoing notice
of hearing on motion for order of dismissal was mailed on the 8
day of May, 1976, 19, to the attorneys of record, or parties.

ROBERT A. SPIEGEL, Esquire
Douglas Entrance
800 Douglas Road
Coral Gables, Florida

Secretary

OFF REC 9355 PC1688